

1-1 By: Carona S.B. No. 1170
1-2 (In the Senate - Filed March 4, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 11, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 11, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1170 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of barbers and cosmetologists.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (a), Section 1601.001, Occupations
1-13 Code, is amended by adding Subdivision (1-a) to read as follows:

1-14 (1-a) "Barber school" means a place that holds a
1-15 permit issued under Subchapter H to teach the practice of barbering
1-16 and may be privately or publicly funded. The term includes a barber
1-17 college.

1-18 SECTION 2. Section 1601.253, Occupations Code, is amended
1-19 by adding Subsection (c) to read as follows:

1-20 (c) The commission shall adopt rules for the issuance of a
1-21 Class A barber certificate to a person who holds an operator license
1-22 under Chapter 1602. The department shall issue the certificate to
1-23 an applicant who:

1-24 (1) holds an active operator license under Chapter
1-25 1602;

1-26 (2) completes at least 300 hours of instruction in
1-27 barbering that includes barber history and shaving through a
1-28 commission-approved training program in a barber school;

1-29 (3) passes the examination required under Subsection
1-30 (a); and

1-31 (4) submits to the department:

1-32 (A) an application on a form prescribed by the
1-33 department; and

1-34 (B) the required fee.

1-35 SECTION 3. Section 1601.254, Occupations Code, is amended
1-36 to read as follows:

1-37 Sec. 1601.254. ELIGIBILITY FOR BARBER INSTRUCTOR LICENSE
1-38 [TEACHER'S CERTIFICATE]. (a) A person holding a barber instructor
1-39 license may perform any act of barbering and may instruct a person
1-40 in any act of barbering.

1-41 (b) To be eligible for a barber instructor license, an [An]
1-42 applicant [for a teacher's certificate] must:

1-43 (1) be at least 18 years of age;

1-44 (2) have a high school diploma or a high school
1-45 equivalency certificate;

1-46 (3) hold a current [be a] Class A barber certificate;

1-47 (4) [(2)] have completed:

1-48 (A) a course consisting of 750 hours of
1-49 instruction in barber courses and methods of teaching in a barber
1-50 school; or

1-51 (B) at least one year of work experience as a
1-52 licensed Class A barber and:

1-53 (i) have completed 500 hours of instruction
1-54 in barber courses and methods of teaching in a commission-approved
1-55 training program;

1-56 (ii) have completed 15 semester hours in
1-57 education courses from an accredited college or university within
1-58 the 10 years preceding the date of the application; or

1-59 (iii) have obtained a degree in education
1-60 from an accredited college or university; and

1-61 (5) pass the required examination [five years'
1-62 experience as a practicing barber in a barbershop, two years of
1-63 which occurred in the two years preceding the application date; and

2-1 ~~[(3) submit the required examination fee with the~~
2-2 ~~application].~~

2-3 ~~[(b) An applicant must submit a new application and fee for~~
2-4 ~~each examination taken by the applicant. Fees paid are not~~
2-5 ~~refundable.~~

2-6 ~~[(c) The department shall issue a teacher's certificate to~~
2-7 ~~an applicant who:~~

2-8 ~~[(1) passes the appropriate examination; and~~

2-9 ~~[(2) pays the required certificate fee.]~~

2-10 SECTION 4. Subchapter F, Chapter 1601, Occupations Code, is
2-11 amended by adding Sections 1601.261, 1601.262, and 1601.263 to read
2-12 as follows:

2-13 Sec. 1601.261. ELIGIBILITY FOR SHAMPOO APPRENTICE PERMIT.

2-14 (a) A person holding a shampoo apprentice permit may perform only
2-15 barbering as defined by Section 1601.002(1)(I).

2-16 (b) The department shall issue a shampoo apprentice permit
2-17 to an applicant who is at least 16 years of age.

2-18 (c) A shampoo apprentice permit expires on the second
2-19 anniversary of the date of issuance and may not be renewed.

2-20 (d) The commission shall adopt rules as necessary to
2-21 administer this section. The commission may not require an
2-22 applicant to:

2-23 (1) complete any hours of instruction at a barber
2-24 training program as a prerequisite for the issuance of a shampoo
2-25 apprentice permit; or

2-26 (2) pay a fee for a shampoo apprentice permit.

2-27 (e) A facility licensed under this chapter may employ a
2-28 person who holds a shampoo apprentice permit to perform shampooing
2-29 or conditioning services and shall pay the person at least the
2-30 federal minimum wage as provided by Section 6, Fair Labor Standards
2-31 Act of 1938 (29 U.S.C. Section 206).

2-32 Sec. 1601.262. ELIGIBILITY FOR BARBER

2-33 TECHNICIAN/MANICURIST SPECIALTY LICENSE. (a) A person holding a
2-34 barber technician/manicurist specialty license may perform only
2-35 barbering as defined by Sections 1601.002(1)(C) through (G).

2-36 (b) To be eligible for a barber technician/manicurist
2-37 specialty license, an applicant must:

2-38 (1) submit an application on a form prescribed by the
2-39 department;

2-40 (2) pay the required fee; and

2-41 (3) either:

2-42 (A) hold both an active barber technician license
2-43 and an active manicurist license; or

2-44 (B) meet the requirements of Subsection (c).

2-45 (c) An applicant who qualifies under Subsection (b)(3)(B)
2-46 must:

2-47 (1) be at least 17 years of age and have completed the
2-48 seventh grade or its equivalent; and

2-49 (2) have completed:

2-50 (A) 900 hours of instruction in a barber
2-51 technician/manicurist curriculum in a commission-approved training
2-52 program; or

2-53 (B) 600 hours of instruction in a manicure
2-54 curriculum and 300 hours of instruction in a barber technician
2-55 curriculum in a commission-approved training program.

2-56 Sec. 1601.263. ELIGIBILITY FOR BARBER TECHNICIAN/HAIR

2-57 WEAVING SPECIALTY LICENSE. (a) A person holding a barber
2-58 technician/hair weaving specialty license may perform only
2-59 barbering as defined by Sections 1601.002(1)(C), (D), (G), and (H).

2-60 (b) To be eligible for a barber technician/hair weaving
2-61 specialty license, an applicant must:

2-62 (1) submit an application on a form prescribed by the
2-63 department;

2-64 (2) pay the required fee; and

2-65 (3) either:

2-66 (A) hold both an active barber technician license
2-67 and an active hair weaving specialty certificate of registration;
2-68 or

2-69 (B) meet the requirements of Subsection (c).

3-1 (c) An applicant who qualifies under Subsection (b)(3)(B)
 3-2 must:
 3-3 (1) be at least 17 years of age and have completed the
 3-4 seventh grade or its equivalent; and
 3-5 (2) have completed:
 3-6 (A) 600 hours of instruction in a barber
 3-7 technician/hair weaving curriculum in a commission-approved
 3-8 training program; or
 3-9 (B) 300 hours of instruction in a hair weaving
 3-10 curriculum and 300 hours of instruction in a barber technician
 3-11 curriculum in a commission-approved training program.

3-12 SECTION 5. Section 1601.352, Occupations Code, is amended
 3-13 to read as follows:

3-14 Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT.
 3-15 ~~[(a)]~~ An applicant for a barber school permit must:

3-16 (1) provide to the department adequate proof of
 3-17 financial responsibility;
 3-18 (2) submit an application on a form prescribed by the
 3-19 department;
 3-20 (3) satisfy the facility and equipment requirements of
 3-21 Section 1601.353; and
 3-22 (4) pay the required fee ~~[demonstrate to the~~
 3-23 ~~department that the school meets the requirements of this~~
 3-24 ~~subchapter for issuance of a permit].~~

3-25 ~~[(b) Before issuing a barber school permit, the department~~
 3-26 ~~must determine that the applicant is financially sound and capable~~
 3-27 ~~of fulfilling the applicant's commitments for training.]~~

3-28 SECTION 6. Section 1601.353, Occupations Code, is amended
 3-29 to read as follows:

3-30 Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT.
 3-31 ~~[(a)]~~ The department may ~~[not]~~ approve an application for a permit
 3-32 for a barber school ~~if [that provides training leading to issuance~~
 3-33 ~~of a Class A barber certificate unless]~~ the school ~~[has]:~~

3-34 (1) is located in:
 3-35 (A) a municipality with a population of more than
 3-36 50,000 that has a building of permanent construction containing at
 3-37 least 2,000 ~~[2,800]~~ square feet of floor space, including classroom
 3-38 and practical areas, covered in ~~[divided into at least:~~
 3-39 ~~[(A) a senior department,~~
 3-40 ~~[(B) a junior department,~~
 3-41 ~~[(C) a class theory room,~~
 3-42 ~~[(D) a supply room,~~
 3-43 ~~[(E) an office space, and~~
 3-44 ~~[(F) separate restrooms for male and female~~
 3-45 ~~students,~~

3-46 ~~[(2)]~~ a hard-surface floor-covering of tile or other
 3-47 suitable material; or
 3-48 (B) a municipality with a population of 50,000 or
 3-49 less that has a building of permanent construction containing at
 3-50 least 1,000 square feet of floor space, including classroom and
 3-51 practical areas, covered in a hard-surface floor-covering of tile
 3-52 or other suitable material;

3-53 (2) has the following equipment:

3-54 (A) ~~[(3)]~~ at least 10 student workstations that
 3-55 include a chair that reclines, a back bar, and a wall mirror ~~[20~~
 3-56 modern barber chairs, including a cabinet and mirror for each
 3-57 chair];

3-58 (B) ~~[(4)]~~ a sink behind every two workstations
 3-59 ~~[barber chairs];~~

3-60 (C) ~~[(5)]~~ a liquid sterilizer for each
 3-61 workstation ~~[barber chair];~~

3-62 (D) ~~[(6)]~~ an adequate number of latherers,
 3-63 vibrators, and hair dryers for student use;

3-64 ~~[(7)]~~ adequate lighting for each room;

3-65 (E) ~~[(8)]~~ at least 10 ~~[20]~~ classroom chairs and
 3-66 other materials necessary to teach the required subjects; and

3-67 (F) access to permanent restrooms and ~~[, a~~
 3-68 blackboard, anatomical charts of the head, neck, and face, and one
 3-69 barber chair in the class theory room;

4-1 ~~[(9) at least one medical dictionary and a standard~~
 4-2 ~~work on human anatomy;~~
 4-3 ~~[(10)] adequate drinking fountain facilities[, with~~
 4-4 ~~at least one for each floor]; and~~
 4-5 ~~(3) meets any other requirement set by the commission~~
 4-6 ~~[(11) at least one fire extinguisher].~~

4-7 ~~[(b) An applicant for a barber school permit must submit to~~
 4-8 ~~the department:~~

4-9 ~~[(1) a detailed drawing and chart of the proposed~~
 4-10 ~~physical layout of the school, showing the departments, floor~~
 4-11 ~~space, equipment, lights, and outlets;~~

4-12 ~~[(2) photographs of the proposed site for the school,~~
 4-13 ~~including the interior and exterior of the building, rooms, and~~
 4-14 ~~departments;~~

4-15 ~~[(3) a detailed copy of the training program;~~

4-16 ~~[(4) a copy of the catalogue and promotional~~
 4-17 ~~literature of the school;~~

4-18 ~~[(5) a copy of the building lease or proposed building~~
 4-19 ~~lease if the building is not owned by the school;~~

4-20 ~~[(6) a sworn statement showing the ownership of the~~
 4-21 ~~school; and~~

4-22 ~~[(7) the required permit fee.]~~

4-23 SECTION 7. Subsection (b), Section 1601.402, Occupations
 4-24 Code, is amended to read as follows:

4-25 (b) A Class A barber, barber technician, instructor
 4-26 ~~[teacher]~~, manicurist, or other licensed specialist must renew the
 4-27 person's certificate or license on or before the expiration date.

4-28 SECTION 8. Subsection (a), Section 1601.405, Occupations
 4-29 Code, is amended to read as follows:

4-30 (a) The department may not require a Class A barber, barber
 4-31 technician, instructor ~~[teacher]~~, or manicurist who is serving on
 4-32 active duty in the United States armed forces to renew the person's
 4-33 certificate or license.

4-34 SECTION 9. Section 1601.560, Occupations Code, is amended
 4-35 to read as follows:

4-36 Sec. 1601.560. INSTRUCTOR-TO-STUDENT RATIO [QUALIFIED
 4-37 INSTRUCTOR]. (a) A ~~[In addition to the teacher required by~~
 4-38 ~~Section 1601.355(b), a]~~ barber school must ~~[that provides training~~
 4-39 ~~leading to issuance of a Class A barber certificate shall]~~ have at
 4-40 least one [qualified] instructor ~~[, holding a Class A certificate,~~
 4-41 for every 25 students on the school's premises. ~~[A teacher may~~
 4-42 ~~serve as an instructor in practical work in addition to holding a~~
 4-43 ~~position as a theory teacher.]~~

4-44 (b) A barber school must have at least one instructor for
 4-45 every three student instructors on the school's premises ~~[may not~~
 4-46 ~~enroll more than one student teacher for each certified teacher who~~
 4-47 ~~teaches at the school].~~ A student instructor ~~[teacher]~~ shall
 4-48 concentrate on developing teaching skills and may not be booked
 4-49 with customers.

4-50 SECTION 10. Section 1601.602, Occupations Code, is amended
 4-51 to read as follows:

4-52 Sec. 1601.602. REVOCATION OF STUDENT INSTRUCTOR'S
 4-53 [TEACHER'S] BARBER CERTIFICATE. A violation of Section 1601.560(b)
 4-54 by a student instructor ~~[teacher]~~ is a ground for the revocation of
 4-55 the [person's] student instructor's ~~[teacher]~~ barber certificate
 4-56 [license].

4-57 SECTION 11. Subsection (a), Section 1602.002, Occupations
 4-58 Code, is amended to read as follows:

4-59 (a) In this chapter, "cosmetology" means the practice of
 4-60 performing or offering to perform for compensation any of the
 4-61 following services:

4-62 (1) treating a person's hair by:

4-63 (A) providing any method of treatment as a
 4-64 primary service, including arranging, beautifying, bleaching,
 4-65 cleansing, coloring, cutting, dressing, dyeing, processing,
 4-66 shampooing, shaping, singeing, straightening, styling, tinting, or
 4-67 waving;

4-68 (B) providing a necessary service that is
 4-69 preparatory or ancillary to a service under Paragraph (A),

- 5-1 including bobbing, clipping, cutting, or trimming; or
5-2 (C) cutting the person's hair as a separate and
5-3 independent service for which a charge is directly or indirectly
5-4 made separately from charges for any other service;
5-5 (2) weaving or braiding a person's hair;
5-6 (3) shampooing and conditioning a person's hair;
5-7 (4) servicing a person's wig or artificial hairpiece
5-8 on a person's head or on a block after the initial retail sale and
5-9 servicing in any manner listed in Subdivision (1);
5-10 (5) treating a person's mustache or beard by
5-11 arranging, beautifying, coloring, processing, styling, or
5-12 trimming;
5-13 (6) cleansing, stimulating, or massaging a person's
5-14 scalp, face, neck, or arms:
5-15 (A) by hand or by using a device, apparatus, or
5-16 appliance; and
5-17 (B) with or without the use of any cosmetic
5-18 preparation, antiseptic, tonic, lotion, or cream;
5-19 (7) beautifying a person's face, neck, or arms using a
5-20 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,
5-21 clay, cream, or appliance;
5-22 (8) administering facial treatments;
5-23 (9) removing superfluous hair from a person's body
5-24 using depilatories, preparations, or tweezing techniques
5-25 ~~[mechanical tweezers]~~;
5-26 (10) treating a person's nails by:
5-27 (A) cutting, trimming, polishing, tinting,
5-28 coloring, cleansing, or manicuring; or
5-29 (B) attaching false nails; or
5-30 (11) massaging, cleansing, treating, or beautifying a
5-31 person's hands or feet.
- 5-32 SECTION 12. Section 1602.254, Occupations Code, is amended
5-33 by amending Subsection (b) and adding Subsection (c) to read as
5-34 follows:
5-35 (b) To be eligible for an operator license, an applicant
5-36 must meet the requirements of Subsection (c) or:
5-37 (1) be at least 17 years of age;
5-38 (2) have obtained a high school diploma or the
5-39 equivalent of a high school diploma or have passed a valid
5-40 examination administered by a certified testing agency that
5-41 measures the person's ability to benefit from training; and
5-42 (3) have completed:
5-43 (A) 1,500 hours of instruction in a licensed
5-44 beauty culture school; or
5-45 (B) 1,000 hours of instruction in beauty culture
5-46 courses and 500 hours of related high school courses prescribed by
5-47 the commission in a vocational cosmetology program in a public
5-48 school.
- 5-49 (c) The commission shall adopt rules for the issuance of an
5-50 operator license under this section to a person who holds a Class A
5-51 barber certificate. The department shall issue the license to an
5-52 applicant who:
5-53 (1) holds an active Class A barber certificate;
5-54 (2) completes 300 hours of instruction in cosmetology
5-55 through a commission-approved training program in a cosmetology
5-56 school;
5-57 (3) passes the examination required under Section
5-58 1602.262; and
5-59 (4) submits to the department:
5-60 (A) an application on a form prescribed by the
5-61 department; and
5-62 (B) the required fee.
- 5-63 SECTION 13. Subsection (b), Section 1602.255, Occupations
5-64 Code, is amended to read as follows:
5-65 (b) To be eligible for an instructor license, an applicant
5-66 must:
5-67 (1) be at least 18 years of age;
5-68 (2) have a high school diploma ~~[completed the 12th~~
5-69 ~~grade]~~ or a high school equivalency certificate ~~[its equivalent];~~

- 6-1 (3) hold an operator license under this chapter; [and]
- 6-2 (4) have ~~[completed]~~:
- 6-3 (A) completed [a course consisting of] 750 hours
- 6-4 of instruction in [cosmetology courses and] methods of teaching in:
- 6-5 (i) a licensed private beauty culture
- 6-6 school; or
- 6-7 (ii) a vocational training program of a
- 6-8 publicly financed postsecondary institution; ~~[or]~~
- 6-9 (B) completed at least:
- 6-10 (i) one year [two years] of verifiable
- 6-11 experience as a licensed cosmetology operator; and
- 6-12 (ii) 500 [250] hours of instruction in
- 6-13 cosmetology in a commission-approved training program;
- 6-14 (C) completed 15 semester hours in education
- 6-15 courses through an accredited college or university within the 10
- 6-16 years before the date of application; or
- 6-17 (D) obtained a degree in education from an
- 6-18 accredited college or university; and
- 6-19 (5) pass the examination required under Section
- 6-20 1602.262.

6-21 SECTION 14. Section 1602.257, Occupations Code, is amended
6-22 to read as follows:

6-23 Sec. 1602.257. ELIGIBILITY FOR ESTHETICIAN [A FACIALIST]
6-24 SPECIALTY LICENSE. (a) A person holding an esthetician [a
6-25 facialist] specialty license may perform only the practice of
6-26 cosmetology defined in Sections 1602.002(a)(6) through (9).

6-27 (b) To be eligible for an esthetician [a facialist]
6-28 specialty license, an applicant must:

- 6-29 (1) be at least 17 years of age;
- 6-30 (2) have obtained a high school diploma or the
- 6-31 equivalent of a high school diploma or have passed a valid
- 6-32 examination administered by a certified testing agency that
- 6-33 measures the person's ability to benefit from training; and
- 6-34 (3) have completed 750 hours of instruction in
- 6-35 esthetics [facialist] specialty through a commission-approved
- 6-36 training program.

6-37 SECTION 15. Subchapter F, Chapter 1602, Occupations Code,
6-38 is amended by adding Section 1602.261 to read as follows:

6-39 Sec. 1602.261. ELIGIBILITY FOR MANICURIST/ESTHETICIAN
6-40 SPECIALTY LICENSE. (a) A person holding a manicurist/esthetician
6-41 specialty license may perform only the practice of cosmetology
6-42 defined in Sections 1602.002(a)(6) through (11).

6-43 (b) To be eligible for a manicurist/esthetician specialty
6-44 license, an applicant must:

- 6-45 (1) submit an application on a form prescribed by the
- 6-46 department;
- 6-47 (2) pay the required fee; and
- 6-48 (3) either:
- 6-49 (A) hold both an active manicurist specialty
- 6-50 license and an active esthetician specialty license; or
- 6-51 (B) meet the educational requirements of
- 6-52 Subsection (c).

6-53 (c) An applicant who qualifies under Subsection (b)(3)(B)
6-54 must:

- 6-55 (1) either:
- 6-56 (A) have obtained a high school diploma or a high
- 6-57 school equivalency certificate; or
- 6-58 (B) have passed a valid examination administered
- 6-59 by a certified testing agency that measures the person's ability to
- 6-60 benefit from training; and
- 6-61 (2) have completed:
- 6-62 (A) 1,200 hours of instruction in a
- 6-63 manicure/esthetics specialty curriculum in a commission-approved
- 6-64 training program; or
- 6-65 (B) 600 hours of instruction in a manicure
- 6-66 curriculum and 750 hours of instruction in an esthetics curriculum
- 6-67 in commission-approved training programs.

6-68 SECTION 16. Section 1602.262, Occupations Code, is amended
6-69 to read as follows:

7-1 Sec. 1602.262. ISSUANCE OF LICENSE OR CERTIFICATE. (a) An
7-2 applicant for a [~~an operator~~] license under this chapter [~~7~~
7-3 ~~instructor license, manicurist specialty license, or facialist~~
7-4 ~~specialty license~~] is entitled to the license if the applicant:
7-5 (1) meets the applicable eligibility requirements;
7-6 (2) passes the applicable examination;
7-7 (3) pays the required fee; [~~and~~]
7-8 (4) has not committed an act that constitutes a ground
7-9 for denial of the license; and
7-10 (5) submits an application on a form prescribed by the
7-11 department.
7-12 (b) An applicant for a specialty certificate is entitled to
7-13 the certificate if the applicant:
7-14 (1) meets the eligibility requirements;
7-15 (2) pays the required fee; [~~and~~]
7-16 (3) has not committed an act that constitutes a ground
7-17 for denial of the certificate; and
7-18 (4) submits an application on a form prescribed by the
7-19 department.
7-20 SECTION 17. Subsection (c), Section 1602.267, Occupations
7-21 Code, is amended to read as follows:
7-22 (c) A shampoo apprentice permit expires on the second
7-23 [~~first~~] anniversary of the date of issuance and may not be renewed.
7-24 SECTION 18. Subsection (b), Section 1602.303, Occupations
7-25 Code, is amended to read as follows:
7-26 (b) An application for a private beauty culture school
7-27 license must be accompanied by the required license fee and
7-28 inspection fee and:
7-29 (1) be on a form prescribed by the department;
7-30 (2) be verified by the applicant; and
7-31 (3) contain a statement that the building:
7-32 (A) is of permanent construction and is divided
7-33 into at least two separate areas:
7-34 (i) one area for instruction in theory; and
7-35 (ii) one area for clinic work;
7-36 (B) contains a minimum of:
7-37 (i) 2,000 [~~3,500~~] square feet of floor
7-38 space if the building is located in a municipality with a population
7-39 of more than 50,000; or
7-40 (ii) 1,000 square feet of floor space if the
7-41 building is located in a municipality with a population of 50,000 or
7-42 less;
7-43 (C) has access to permanent restrooms and
7-44 adequate drinking fountain facilities [~~separate restrooms for male~~
7-45 ~~and female students~~]; and
7-46 (D) contains, or will contain before classes
7-47 begin, the equipment established by commission rule as sufficient
7-48 to properly instruct a minimum of 10 [~~50~~] students.
7-49 SECTION 19. Subsection (a), Section 1602.451, Occupations
7-50 Code, is amended to read as follows:
7-51 (a) The holder of a private beauty culture school license
7-52 shall:
7-53 (1) maintain a sanitary establishment;
7-54 (2) maintain [~~on its staff and~~] on duty [~~during~~
7-55 ~~business hours~~] one full-time licensed instructor for each 25
7-56 students in attendance;
7-57 (3) maintain a daily record of students' attendance;
7-58 (4) establish regular class and instruction hours and
7-59 grades;
7-60 (5) require a school term of not less than nine months
7-61 and not less than 1,500 hours instruction for a complete course in
7-62 cosmetology;
7-63 (6) require a school term of not less than 600 hours
7-64 instruction for a complete course in manicuring;
7-65 (7) hold examinations before issuing diplomas;
7-66 (8) maintain a copy of the school's curriculum in a
7-67 conspicuous place and verify that the curriculum is being followed;
7-68 (9) publish in the school's catalogue and enrollment
7-69 contract a description of the refund policy required under Section

8-1 1602.458; and
 8-2 (10) provide the department with information on:
 8-3 (A) the current course completion rates of
 8-4 students who attend a course of instruction offered by the school;
 8-5 and

8-6 (B) job placement rates and employment rates of
 8-7 students who complete the course of instruction.

8-8 SECTION 20. Section 1603.255, Occupations Code, is amended
 8-9 to read as follows:

8-10 Sec. 1603.255. EARLY EXAMINATION. The department [~~on~~
 8-11 ~~written request by a student,~~] may allow [~~provide~~] for the early
 8-12 written examination of a student who has completed the following
 8-13 number of [an applicant for a Class A barber certificate, a
 8-14 teacher's certificate, or an operator license who has completed at
 8-15 least 1,000] hours of instruction in a department-approved training
 8-16 program:

8-17 (1) 1,000 hours for a student seeking a Class A barber
 8-18 certificate or operator license in a private barber or cosmetology
 8-19 school; or

8-20 (2) 900 hours for a student seeking a Class A barber
 8-21 certificate or operator license in a publicly funded barber or
 8-22 cosmetology school.

8-23 SECTION 21. Subsections (a), (b), and (c), Section
 8-24 1603.352, Occupations Code, are amended to read as follows:

8-25 (a) A person who holds a license, certificate, or permit
 8-26 issued under this chapter, Chapter 1601, or Chapter 1602 and who
 8-27 performs a barbering service described by Section 1601.002(1)(E) or
 8-28 (F) or a cosmetology service described by Section 1602.002(a)(10)
 8-29 or (11) shall, before performing the service, clean, disinfect, and
 8-30 sterilize with an autoclave or [~~a~~] dry heat sterilizer or sanitize
 8-31 with an[~~r~~] ultraviolet sanitizer, [~~or other department-approved~~
 8-32 sterilizer,] in accordance with the sterilizer or sanitizer
 8-33 manufacturer's instructions, each metal instrument, including
 8-34 metal nail clippers, cuticle pushers, cuticle nippers, and other
 8-35 metal instruments, used to perform the service.

8-36 (b) The owner or manager of a barber shop, barber school,
 8-37 beauty shop, specialty shop, beauty culture school, or other
 8-38 facility licensed under this chapter, Chapter 1601, or Chapter
 8-39 1602, is responsible for providing an autoclave, [~~or~~] a dry heat
 8-40 sterilizer, or an ultraviolet sanitizer[~~, or other~~
 8-41 department-approved sterilizer] for use in the shop or school as
 8-42 required by Subsection (a). [~~An autoclave or a dry heat,~~
 8-43 ~~ultraviolet, or other department-approved sterilizer used as~~
 8-44 ~~required by Subsection (a) must be listed with the United States~~
 8-45 ~~Food and Drug Administration.]~~

8-46 (c) Each sterilized or sanitized instrument must be stored
 8-47 in accordance with the manufacturer's instructions.

8-48 SECTION 22. The following provisions of the Occupations
 8-49 Code are repealed:

8-50 (1) Subdivision (5), Subsection (a), Section
 8-51 1601.001;

8-52 (2) Section 1601.354;

8-53 (3) Section 1601.355; and

8-54 (4) Subsection (b), Section 1602.403.

8-55 SECTION 23. (a) The Texas Department of Licensing and
 8-56 Regulation shall conduct a study that analyzes the performance of
 8-57 barber schools under Subchapter L, Chapter 1601, Occupations Code,
 8-58 and beauty culture schools under Subchapter J, Chapter 1602,
 8-59 Occupations Code, including the payment of refunds and
 8-60 recommendations for improvements to the process for the payment of
 8-61 refunds to eligible students.

8-62 (b) In conducting the study, the Texas Department of
 8-63 Licensing and Regulation shall consult with:

8-64 (1) the Advisory Board on Barbering;

8-65 (2) the Advisory Board on Cosmetology;

8-66 (3) national accrediting organizations for barbers
 8-67 and cosmetologists;

8-68 (4) representatives of barber schools and beauty
 8-69 culture schools; and

9-1 (5) barbers, cosmetologists, and other interested
9-2 parties.

9-3 (c) Not later than September 1, 2012, the Texas Department
9-4 of Licensing and Regulation shall report the results of the study to
9-5 the:

9-6 (1) House Committee on Licensing and Administrative
9-7 Procedures; and

9-8 (2) Senate Committee on Business and Commerce.

9-9 (d) This section expires September 1, 2013.

9-10 SECTION 24. (a) The changes in law made by this Act apply
9-11 only to an application for the issuance or renewal of a license or
9-12 certificate that is filed with the Texas Department of Licensing
9-13 and Regulation on or after the effective date of this Act. An
9-14 application for the issuance or renewal of a license or certificate
9-15 that is filed before the effective date of this Act is governed by
9-16 the law in effect on the date the application was filed, and the
9-17 former law is continued in effect for that purpose.

9-18 (b) The Texas Commission of Licensing and Regulation shall
9-19 adopt rules necessary to implement the changes in law made by this
9-20 Act not later than March 31, 2012.

9-21 SECTION 25. This Act takes effect September 1, 2011.

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